UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/404
19 May 1995

ORIGINAL: ENGLISH

THE SITUATION CONCERNING WESTERN SAHARA

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted to the Security Council in pursuance of resolution 973 (1995) of 13 January 1995 and the statement by the President of the Security Council of 12 April 1995 (S/PRST/1995/17). It covers developments since my report of 30 March 1995 (S/1995/240 and Add.1) and is divided into five main sections: sections II and III cover the identification process and other aspects of the settlement plan (S/21360 and S/22464 and Corr.1); section IV discusses military and civilian police matters; section V deals with the financial aspects; and section VI contains my observations and recommendations.

II. IDENTIFICATION PROCESS

2. Since it began on 28 August 1994, the identification of applicants for participation in the referendum has progressed slowly but incrementally. In February and March 1995, the number of identification centres was increased from four to seven and the United Nations Mission for the Referendum in Western Sahara (MINURSO) achieved its goal of processing at least 150 persons a day at each centre. On 3 April, the eighth centre became operational, at the Dakhla camp 180 kilometres south of Tindouf. Establishing that centre had been particularly difficult, as access to the camp by desert tracks made the transportation of equipment and supplies hazardous and time-consuming. Eight MINURSO identification centres are now fully operational, at all four refugee camps in the Tindouf area and all four population centres in the Territory.

3. Despite increased operational capabilities, the rate of identification has been uneven. The operation has been interrupted periodically by difficulties relating to the timely availability of tribal leaders (sheikhs) and party representatives and to weather conditions and logistics. The process can be interrupted at any centre on any day if the sheikh concerned is not available on time, as it is he who identifies the members of his own subfraction and provides oral testimony in support of their eligibility to vote. In March and early

April, severe sandstorms grounded aircraft and stopped vehicular transport on several occasions, thus halting the operation for days. There have also been many interruptions as a result of religious and other official holidays and observances.

4. As noted in my last report, the timely availability of tribal leaders or persons to replace those elected in 1973 and no longer living had been the single greatest obstacle to identification since the process began. In February, my Deputy Special Representative, Mr. Erik Jensen, submitted to the two parties a proposal for dealing with the cases of subfractions where there was no surviving and competent sheikh on one side or the other. Agreement by the parties to his proposal permitted identification to proceed in earnest. By mid-March, over 21,300 persons had been identified. The process continued throughout March and April at most centres. However, difficulties arose in the interpretation and implementation of certain points of the agreement. At the end of April, identification was taking place at only three centres, as problems were obstructing progress at the other five.

5. With a view to addressing the concerns of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (POLISARIO), my Deputy Special Representative held, from 26 to 28 April in the Tindouf area, a series of consultations with the POLISARIO political leadership, as well as with community and tribal leaders. He proposed an interpretation regarding the issue of the eldest son, for which the Frente POLISARIO had preferred a restrictive interpretation, and a formula for dealing with all cases where, because of sickness or for some other compelling reason, the sheikh or his agreed alternate was not available. The Frente POLISARIO accepted those proposals. My Deputy Special Representative also met with the responsible Moroccan officials to establish the Moroccan position in response to his proposals and they confirmed their agreement. As a result of those efforts, both sides agreed to resume identification at all eight centres. On 1 May, the sheikhs, representatives and observers travelled to their respective centres and, on 2 May, identification was resumed at all eight centres. That week saw the highest total of persons identified to date.

6. During the period since my last report, the parties have not entirely abandoned their earlier insistence that if, for some reason, identification stopped at a centre on one side, then as a matter of reciprocity it must also be stopped at a centre on the other side. Should this attitude persist, it would become more problematic as MINURSO approached the halfway mark in the identification of applicants. It can be expected that all applicants will have been processed in the refugee camps in the Tindouf area before identification is completed at all centres in the Territory. Attachment to a maximum of 150 persons to be identified daily at any given centre, which was originally intended as a reasonable target, imposes another unnecessary limitation.

7. The additional resources made available under Security Council resolution 973 (1995) allowed MINURSO to resolve many technical and logistic problems, enabling it to identify on occasion 800 to 900 persons in one day. This confirms that it is quite feasible to identify 1,000 persons a day, if the tribal leaders and representatives are available when and where required and if

no constraints are imposed on the balance of centres or on the numbers of applicants to be identified daily.

8. As of 15 May 1995, 35,851 persons have been identified. This is far below the figure that MINURSO would be technically capable of achieving if the full cooperation of the parties, as called for by the President of the Security Council in his statement of 12 April, was invariably forthcoming. However, on the basis of the information available, 44.4 per cent (12,819 out of 28,831) of the persons to be identified in the camps near Tindouf and 28.1 per cent (23,032 out of 81,855) of those in the population centres of the Territory have been through the process.

9. The legal review of all cases is making good progress. Information concerning the assessment of Identification Commission members, the testimony of tribal leaders and documentary evidence is being data-processed for verification purposes, to ensure compatibility and prevent duplication.

10. I am encouraged that, in spite of all the communications, logistics and other difficulties encountered, individuals are showing a real commitment to the identification process, often travelling under arduous conditions and then waiting patiently for their turn to be identified.

11. At present, eight representatives of the Organization of African Unity (OAU) are observing the identification operation. When the number of identification centres was expanded, the President of Tunisia, in his capacity as current Chairman of OAU, in consultation with the Secretary-General of OAU, assigned additional observers at once, thus enabling the Identification Commission to continue its work smoothly. Two more OAU observers are expected to arrive in the mission area in May.

III. OTHER ASPECTS RELEVANT TO THE FULFILMENT OF THE SETTLEMENT PLAN

12. In its resolution 973 (1995), the Security Council requested me to report on my final plans for implementing all elements of the settlement plan and on the responses of the parties. The cease-fire is already in place. Other activities undertaken or to be undertaken in the next few months in fulfilment of the plan are described below.

Reduction of Moroccan troops in the Territory

13. In July 1995, I intend to address a letter to the Government of Morocco requesting that it provide information on the strength and location of its military forces in the Territory, with a plan and timetable for their reduction to the accepted level of 65,000 all ranks. Eleven weeks after D-Day, the MINURSO military unit will verify that the Moroccan troop strength in the Territory does not exceed that level. As noted in my last report, the Moroccan authorities have confirmed Morocco's preparedness to implement fully the provisions of the settlement plan relating to the reduction of Moroccan troops in the Territory once the start of the transitional period has been determined.

Confinement of POLISARIO troops

14. During the consultations held in 1991 by the former Special Representative, the Frente POLISARIO had objected to the suggestion that its troops be confined outside the Territory, while Morocco had refused to agree that the POLISARIO troops be confined in the area between the sandwall (berm) and the international border of Western Sahara. My Deputy Special Representative will continue his consultations in the field with the parties and the neighbouring countries in July 1995 and the Secretariat will hold a last round of consultations in August. I shall make a final ruling on the matter in September.

Release of political prisoners and detainees

15. The independent jurist, Mr. Emmanuel Roucounas, is reviewing the research work undertaken by his predecessor on the question of political prisoners. On 15 May, he proceeded to the Mission area to consult with the parties and establish a programme of work for the months ahead.

Exchange of prisoners-of-war

16. As also noted in my last report, the International Committee of the Red Cross (ICRC) has stated that it is ready to start working on the release of prisoners-of-war (POWs) as soon as the parties are ready to do so. I reiterate my hope that further sustained efforts will enable ICRC to achieve the release of all POWs from both sides as soon as possible after the transitional period begins.

Code of conduct

17. In my last report, I informed the Council that the Secretariat had striven to reconcile, to the extent possible, the views of the two parties on the code governing their conduct during the referendum campaign. The draft will be finalized within the next few weeks, in consultation with the parties. I expect to present the final text to the parties in early July 1995.

Return of refugees, other Western Saharans and members of the Frente POLISARIO entitled to vote

18. The Office of the United Nations High Commissioner for Refugees (UNHCR) is progressing with preparations for the repatriation of refugees, in conformity with its mandate. UNHCR will continue to consult closely with other relevant units of MINURSO on the detailed modalities of the repatriation programme, as an integral part of the MINURSO operation. UNHCR has assigned an officer to Tindouf to prepare plans for the logistic aspects of repatriation. A technical mission is also scheduled to visit the Mission area by the end of May to assess water requirements for repatriation.

IV. MILITARY AND CIVILIAN POLICE ASPECTS

Military component

19. As of 5 May 1995, the military component of MINURSO, headed by the Force Commander, Brigadier-General André Van Baelen (Belgium), totalled 288 personnel, comprising 240 military observers and 48 military support personnel (see annex I to the present report).

20. Pending the fulfilment of the conditions necessary for the commencement of the transitional period, the military mandate of MINURSO remains restricted to monitoring and verifying the cease-fire.

21. During the reporting period, both parties continued to respect the cease-fire, which has been in effect since 6 September 1991. The continuous patrolling activities of United Nations military observers have contributed to the successful implementation of the cease-fire. Daytime and overnight patrols take place on a daily basis. During an average month, over 600 ground and 140 aerial reconnaissance patrols are conducted in extremely harsh conditions and over great distances. The constant presence of military observers has helped to build the confidence of the parties in the neutrality and impartiality of MINURSO and they continue to extend their full cooperation in this respect.

22. As noted in my last report, plans for the full deployment of the military component of MINURSO are being finalized. To avoid the expense of premature deployment, consideration is being given to the possibility of deploying military personnel at the same time as the final list of voters is published.

Civilian police component

23. As of 5 May, the civilian police component of MINURSO, headed by the Police Commissioner, Colonel Wolf-Dieter Krampe (Germany), totalled 98 observers from Austria (10), Egypt (11), Germany (5), Ghana (8), Hungary (13), Malaysia (15), Nigeria (15), Norway (2), Togo (9) and Uruguay (10). Fifteen observers from Ireland and 3 from Norway are to be deployed in the coming weeks, bringing the total strength of the component to 116, which is considered sufficient to carry out its present tasks. I have decided therefore to maintain it at this strength until conditions necessitate the deployment of additional civilian police observers, up to the total of 160 authorized by the Council.

24. Pending the commencement of the transitional period, the activities of the civilian police component remain limited to providing support services, security and other assistance to the identification process. The concept of operations for the full deployment of the component is being developed. It is important that the parties cooperate fully with MINURSO by providing the necessary information in this regard.

25. During the reporting period, MINURSO has been compelled to repatriate some civilian police observers who lacked the technical skills required to carry out their tasks. I should like to remind the contributing countries that MINURSO civilian police personnel must have good driving skills and be fluent in either English or French.

Logistic aspects

26. The safety of MINURSO personnel, especially those stationed in remote areas, depends on a strong logistic support system. The vastly increased activity of the Identification Commission has placed further demands on the logistic capabilities of the Mission, especially in terms of ground and air transport. The possible provision of an additional helicopter, as well as additional flying hours, is being reviewed. The Secretariat is making every effort to meet the logistic requirements of MINURSO within the current budget and in a timely manner.

27. With the deployment of the Identification Commission to the Tindouf area, MINURSO should have air transport and air medical evacuation capability in that region. This is especially important at the Dakhla camp, which can be reached only by a drive of three or more hours from Tindouf across desert terrain. An additional constraint in Tindouf is the restriction on after-dark landing and take-off. My Deputy Special Representative is approaching the Algerian authorities to secure clearance to fly over their territory and seek permission for landing and take-off during non-daylight hours. It is hoped that the necessary permissions will be granted shortly.

28. The extreme temperatures, especially in the Tindouf area, where the thermometer can rise as high as 63 degrees Celsius, could drastically impede, even halt, the identification process. Measures are therefore being taken to ensure that the capacity to generate power and air conditioning is provided and maintained in these areas.

29. As noted in my report of 14 July 1994 (S/1994/819), the Australian signals unit of 45 all ranks had withdrawn in May 1994. In the absence of a military unit to replace it, an additional nine military observers were deployed in order to operate the communications system of the MINURSO military component. However, this arrangement has not proved satisfactory, as military observers do not possess all the technical skills required. The Secretariat is, therefore, consulting with potential contributing countries with a view to replacing the 9 military observers with a signals unit of 45 all ranks. This might have budgetary implications. With the full deployment of the military component during the transitional period, the signals unit would need to be strengthened to approximately 130 all ranks.

V. FINANCIAL ASPECTS

30. In its decision 49/466 B of 6 April 1995, the General Assembly authorized me to enter into a financial commitment in the amount of $4,806,600 gross ($4,426,000 net) for the maintenance of MINURSO for the month of June 1995, subject to the extension of its mandate by the Security Council after 31 May.

31. My report of 7 March 1995 to the General Assembly on the financing of MINURSO (A/49/559/Add.1 and Corr.1) includes cost estimates for the maintenance of the Mission beyond 30 June 1995 at the rate of $5,619,400 gross ($5,123,000 net) per month. The General Assembly will consider that report at its resumed forty-ninth session.

32. As of 30 April 1995, the unpaid assessed contributions to the special account of MINURSO amounted to $20,271,748. In order to provide the Mission with the necessary cash flow, a total of $11.4 million was borrowed from other peace-keeping accounts. These loans remain unpaid. The total outstanding assessed contributions for all peace-keeping operations on 30 April was $1.9 billion.

VI. OBSERVATIONS AND RECOMMENDATIONS

33. Under the settlement plan, the parties, namely the Kingdom of Morocco and the Frente POLISARIO, recognize that sole and exclusive responsibility for the organization and conduct of the referendum in Western Sahara is vested in the United Nations. Having agreed in principle to the settlement proposals, the parties undertook to cooperate fully with the Special Representative of the Secretary-General in the performance of his functions. They are thus expected to facilitate the work of MINURSO, which can function only with their active support. With regard to the identification and registration process, my predecessor stated in his report of 19 December 1991 (S/23299) that "such a complex exercise can succeed only with the cooperation of the parties in a spirit of objectivity and fairness. To carry out its task, the Commission must work in an atmosphere of trust and serenity which the parties must promote. Needless to say that without their cooperation, even the most vigorous efforts by the United Nations cannot enable it to fulfil its mission, whatever the human resources and financial means put at its disposal."

34. It has been five years since the settlement plan and MINURSO came into effect. The plan provided that the transitional period and the cease-fire would begin simultaneously. However, the political circumstances have been such that, while the cease-fire was implemented and has been observed since 6 September 1991, the widely differing positions and preoccupations of the parties led to prolonged consultations in the search for compromises on other aspects of the plan. In consequence, the timetable for its implementation has been subjected to considerable adjustment.

35. With the cessation of hostilities and the delinking of the coming into effect of the cease-fire from the start of the transitional period, both parties may have lost some of the incentive to cooperate unreservedly in implementation of the other elements of the settlement plan. It took two and a half years, through long and arduous negotiations, to reach agreement on the criteria for voter eligibility. Other equally contentious issues remain to be resolved.

36. When the settlement plan came into effect in 1990, the complexity and sensitivity of the identification process were not foreseen. Major problems, which arise on a daily basis, have compelled MINURSO to make strenuous efforts to keep the process on track. It has taken 10 months to process less than one third of the persons to be identified in the population centres of the Territory and the camps near Tindouf, but many barriers that seemed insurmountable have been overcome and much has been achieved that now seems irreversible. Potential voters are prepared to travel and to wait for hours in uncomfortable conditions. Parents and children, siblings, family members and friends are meeting for the first time after 18 years of conflict. The process represents the first genuine

hope in two decades for resolving the dispute and makes it impossible for the parties to revert to their previous positions without the most serious repercussions.

37. It must be reiterated, however, that the process cannot be brought to a successful conclusion without the full cooperation of the parties. Given the means and the opportunity, MINURSO can address the technical difficulties as they develop. It cannot, however, force the parties to continue with the process if they choose not to do so. I call on them once again to work with MINURSO in a spirit of genuine cooperation. They should not limit the number of persons to be identified to any maximum on any given day. Nor should they interrupt the process at a centre on one side if it is technically not possible to proceed with identification in a centre on the other side. Identification must continue wherever it is required and as expeditiously as possible. I also call on the parties to provide their full support to UNHCR in the preparations for the repatriation of refugees.

38. If MINURSO is permitted to proceed rapidly with identification, the referendum can take place early next year. Meanwhile, and before confirming the date for the start of the transitional period, progress must be achieved on other important aspects of the settlement plan. This requires the following steps: in early July, I shall forward to the parties the final text of the code of conduct and shall inform the Council accordingly. In August, I shall inform the Council of the progress made by the independent jurist on the release of political prisoners. In September, I shall make a ruling on the confinement of the Frente POLISARIO troops. By that time, I should also have received confirmation from the Government of Morocco on the arrangements for the reduction of its troops in the Territory.

39. Monitoring these benchmarks will enable the Security Council to assess the parties' willingness to press ahead with the implementation of the plan. Equally important will be sufficient progress in identification and registration to permit the referendum to be held in early 1996. I therefore recommend that the Security Council extend the mandate of MINURSO for a period of four months. By the end of September, I shall assess all the progress achieved and, on this basis, make recommendations to the Security Council for the fulfilment of the United Nations mandate in Western Sahara.

40. The United Nations and OAU have worked together in a true spirit of cooperation throughout the identification process and I should like to thank OAU, and its observers, for the efforts that have gone into making the process work. I am also grateful for the untiring efforts of my Deputy Special Representative in moving the process forward.

41. In closing, I should also like to thank the parties for their practical support to MINURSO and the neighbouring countries for their assistance and cooperation.

Annex I

Composition of MINURSO military component

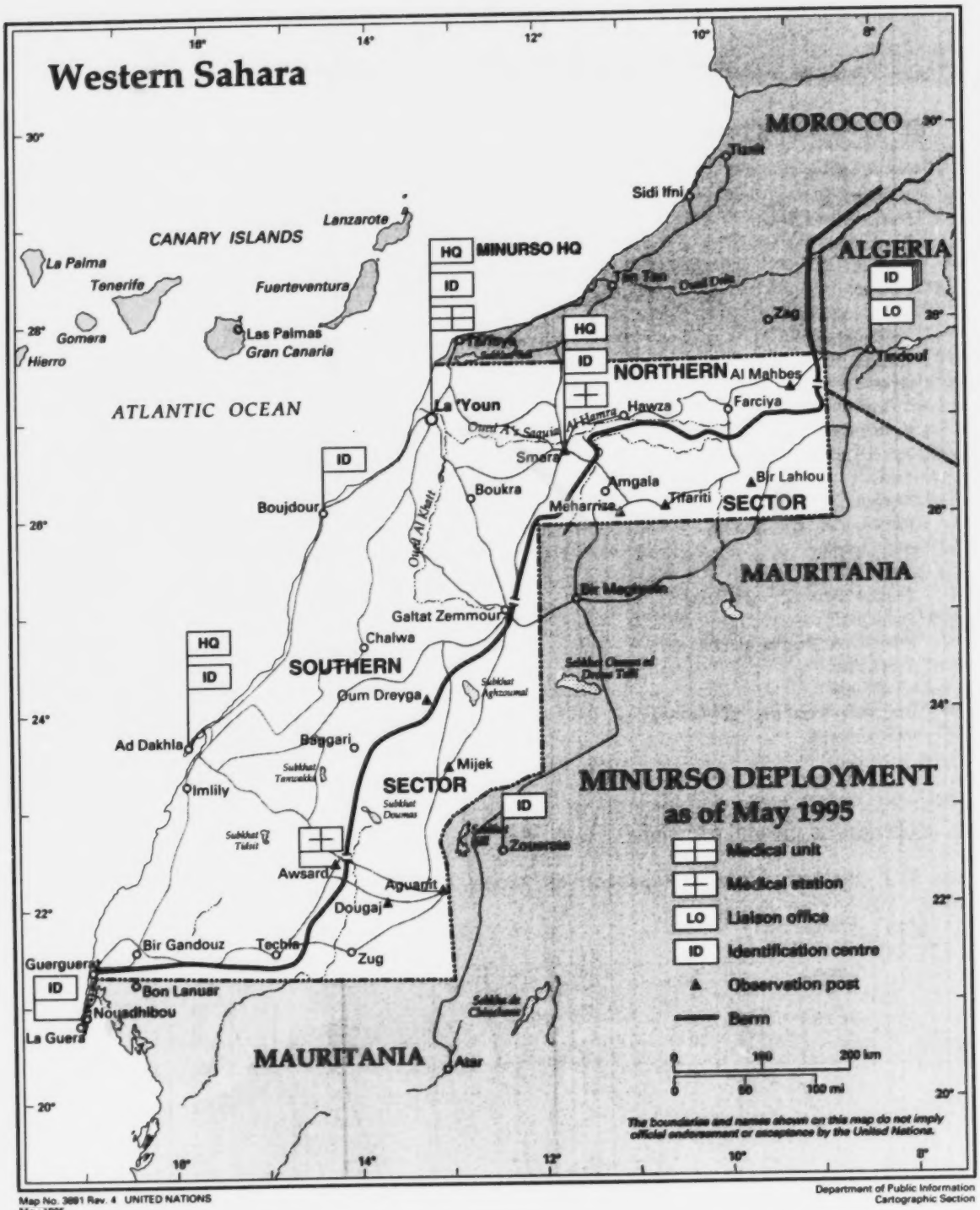
A. Military observers

Argentina	7
Austria	4
Bangladesh	7
Belgium	1
China	20
Egypt	12
El Salvador	2
France	27
Ghana	6
Greece	1
Guinea	1
Honduras	14
Ireland	9
Italy	6
Kenya	10
Republic of Korea	2
Malaysia	15
Nigeria	4
Pakistan	4
Poland	2
Russian Federation	30
Tunisia	9
Uruguay	15
United States of America	30
Venezuela	2
Total	240

B. Military support personnel

(i) Medical Unit: Republic of Korea	40
(ii) Clerical: Ghana	8
Total	48
Grand total	288

Annex II


Western Sahara
MOROCCO
ALGERIA
MAURITANIA
ATLANTIC OCEAN
CANARY ISLANDS
Lanzarote
La Palma
Tenerife
Fuerteventura
Gomera
Las Palmas
Gran Canaria
Hierro
Tarfaya
Sidi Ifni
Tan Tan
Oued Dahb
Zag
Tindouf
HQ
MINURSO HQ
ID
LO
NORTHERN SECTOR
Al Mahbes
Farciya
Hawza
La'Youn
Oued A's Saguia
Al Hamra
Smara
Amgala
Bir Lahlou
Tifariti
Meharrize
Boukra
Boujdour
Oued Al Khatt
Bir Mogrein
Galtat Zemmour
Chalwa
SOUTHERN SECTOR
Gum Dreyga
Mijek
Ad Dakhla
Baggari
Imlily
Zouerate
Awsard
Aguanit
Dougaj
Bir Gandouz
Techla
Zug
Guerguerat
Bon Lanuar
Nouadhibou
La Guera
Atar
MINURSO DEPLOYMENT
as of May 1995
Medical unit
Medical station
Liaison office
Identification centre
Observation post
Berm
200 km
100 mi
The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.
Map No. 3891 Rev. 4 UNITED NATIONS
May 1995
Department of Public Information
Cartographic Section